REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1, 3, 4 and 6-19 are currently pending. Claims 12-19 are hereby added. Claims 2 and 5 are hereby canceled. Claims 1, 4, 9 and 11 are independent. Claims 1, 3, 4, 6 and 8-11 are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed.

Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §102

Claims 1-6, and 9-11 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,701,528 to Arsenault et al. (hereinafter, merely Arsenault). Applicants respectfully traverse this rejection.

Independent claim 1 is representative and recites, *inter alia*:

"a control means to execute control in which:
the forefront data is reproduced by the digital signal reproduction means starting immediately at a time when the program is selected;
. . .

> a channel is selected from the plurality of channels, the selected channel distributing the program at the forefront data end time during the reproduction of the forefront data by the digital signal reproduction means;
> . . .
> the data following the forefront data end time is written to the memory means from only the selected channel simultaneously with reproduction of the forefront data . . ."

As understood by Applicants, Arsenault discloses a near video on demand system in which the same video program is broadcast on a plurality of program channels with each channel temporally separated by an interval. Referring to FIG. 7A of Arsenault, the pre-stored segment 804 is retrieved for playback. While this retrieval is taking place, the subsequent segments 806A-806D of the video program are received from some of the plurality of channels (channels 3, 4, 5, and 6 in FIG. 8A, for example) are received and stored. "The operations occur in parallel so that the data from all of the relevant channels can be received and stored while retrieving the stored first segment." Col. 11, lines 45-56. Referring to FIG. 7B of Arsenault, the segments 806A-806D following the pre-stored segment are spliced to the pre-stored segment 804 in parallel.

That is, in Arsenault, while the pre-stored data is being reproduced, subsequent video segments of the video program are being broadcast on the plurality of channels. Because the plurality of broadcast channels are offset from one another by a time interval, the subsequent video segments are spliced together from the plurality of channels, in parallel, while the pre-store data is being reproduced. Thus, during the time that pre-store segment 804 is being played back, subsequent segments 804A-804D from the other channels are all spliced together in parallel during that time.

In contrast, claim 1 recites, "the forefront data is reproduced by the digital signal reproduction means starting immediately at a time when the program is selected . . . a channel is

selected from the plurality of channels, the selected channel distributing the program at the forefront data end time during the reproduction of the forefront data by the digital signal reproduction means . . . the data following the forefront data end time is written to the memory means from only the selected channel simultaneously with reproduction of the forefront data."

That is, while the forefront data is being reproduced from memory, there is selected a particular channel from the plurality of channels. The particular channel will be broadcasting the end of the forefront data while the forefront data is being reproduced from memory. Program data following the forefront data only from the particular selected channel that follows the forefront data is written to the memory simultaneously with the reproduction of the forefront data. After the forefront data is reproduced, the following data is read from the memory for a continuous output.

An example is provided in the as-filed specification. Referring to FIGS, 2A-2B, while the forefront data (a to c) is reproduced, the channel in which data following the data c exists is selected (channel 3 in the example shown) by the central processing unit 5 as shown in FIG. 2B, and the hard disk drive 14 writes the data following the data c being broadcast on channel 3 while the forefront data is being reproduced from memory. After reproduction of the forefront data (a to c), the subsequent data read and stored from channel 3 is reproduced so a user can watch the following part of the data c. Thereafter, write operation and read operation from only the selected channel is performed in parallel, and the user can watch the program by the data read out until the end b. Publ. App. par. [0036]-[0036].

Thus, the present application is distinguishable from Arsenault because Arsenault receives and stores subsequent segments of the video program from each of the plurality of

channels transmitting a portion of the video program in parallel (See FIGS. 7A-7B). Whereas, in an aspect of the present invention, the subsequent segments are all read from only a selected channel and the selected channel is chosen because that channel includes the end point of the forefront data. Moreover, in Arsenault the segments received from the plurality of channels are properly spliced together according to a recirculating program time stamp (PTS). Col. 15, line 56 to col. 16, line 5. This is distinguished from dependent claims 12-15 of the present application.

The elements discussed above are not disclosed in Arsenault. Thus, claim 1 is patentable over Arsenault because that reference does not disclose each and every element recited in the claim.

For reasons similar or somewhat similar to those described above with regard to independent claim 1, independent claims 4, 9 and 11 are also believed to be patentable.

III. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 7 and 8 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Arsenault in view of PCT International Publication No. WO 92/22983 (PCT Appl. No. PCT/US92/04573) to Browne et al. (hereinafter, merely "Browne").

Claims 7 and 8 depend from independent claim 4 and should be allowable for at least the same reasons. Browne does not teach or suggest the elements of claim 4 missing from Arsenault, as discussed above.

IV. DEPENDENT CLAIMS

The other claims are dependent from one of the claims discussed above and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

Claims 1-19 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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